

111TH CONGRESS
1ST SESSION

H. R. 3804

To make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 2009

Mr. TONKO introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Park Service Authorities and Corrections Act
6 of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL PARK SERVICE AUTHORIZATIONS

Sec. 101. National Park System Advisory Board.
 Sec. 102. National Park Service Concessions Management Advisory Board.
 Sec. 103. National Park System uniform penalties.
 Sec. 104. Volunteers in the parks.

TITLE II—PEARL HARBOR TICKETING

Sec. 201. Definitions.
 Sec. 202. Facilitation of admission to historic attractions within Pearl Harbor Naval Complex.
 Sec. 203. Protection of resources.

TITLE III—CHANGES TO NATIONAL PARK UNITS

Sec. 301. George Washington Memorial Parkway.
 Sec. 302. District of Columbia snow removal.
 Sec. 303. Martin Luther King, Jr. National Historical Park.
 Sec. 304. Lava Beds National Monument Wilderness boundary adjustment.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Baltimore National Heritage Area.
 Sec. 402. Muscle shoals national heritage area.
 Sec. 403. Snake River headwaters.
 Sec. 404. Taunton River.
 Sec. 405. Cumberland Island National Seashore.
 Sec. 406. Niagara Falls National Heritage Area.

TITLE I—NATIONAL PARK SERVICE AUTHORIZATIONS

SEC. 101. NATIONAL PARK SYSTEM ADVISORY BOARD.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)), is amended in the first sentence by striking “2010” and inserting “2020”.

SEC. 102. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (Public Law

1 105–391) is amended by striking “2009” and inserting
2 “2019”.

3 **SEC. 103. NATIONAL PARK SYSTEM UNIFORM PENALTIES.**

4 (a) FINES AND IMPRISONMENT.—The first section of
5 the Act of March 2, 1933 (47 Stat. 1420, ch. 180), is
6 amended by striking “such fine and imprisonment.” and
7 inserting “such fine and imprisonment; except if the viola-
8 tion occurs within a park, site, monument, or memorial
9 that is part of the National Park System, where violations
10 shall be subject to the penalty provision set forth in section
11 3 of the Act of August 25, 1916 (16 U.S.C. 3; commonly
12 known as the ‘National Park Service Organic Act’) and
13 section 3571 of title 18, United States Code.”.

14 (b) COST OF PROCEEDINGS.—Section 2(k) of the Act
15 of August 21, 1935 (16 U.S.C. 462(k)), is amended by
16 striking “cost of the proceedings.” and inserting “cost of
17 the proceedings; except if the violation occurs within an
18 area that is part of the National Park System, where vio-
19 lations shall be subject to the penalty provision set forth
20 in section 3 of the Act of August 25, 1916 (16 U.S.C.
21 3; commonly known as the ‘National Park Service Organic
22 Act’), and section 3571 of title 18, United States Code.”.

1 **SEC. 104. VOLUNTEERS IN THE PARKS.**

2 Section 4 of the Volunteers in the Parks Act of 1969
3 (16 U.S.C. 18j) is amended by striking “\$3,500,000” and
4 inserting “\$10,000,000”.

5 **TITLE II—PEARL HARBOR**
6 **TICKETING**

7 **SEC. 201. DEFINITIONS.**

8 In this title:

9 (1) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (2) PEARL HARBOR HISTORIC SITE.—The term
12 “Pearl Harbor historic site” means a historic attrac-
13 tion within the Pearl Harbor Naval Complex, includ-
14 ing the USS Bowfin Submarine Museum and Park,
15 the Battleship Missouri Memorial, the Pacific Avia-
16 tion Museum—Pearl Harbor, and any other historic
17 attraction that the Secretary identifies as a Pearl
18 Harbor historic site and that is not administered or
19 managed by the Secretary.

20 (3) VISITOR CENTER.—The term “visitor cen-
21 ter” means the visitor center located within the
22 Pearl Harbor Naval Complex on lands that are with-
23 in the World War II Valor in the Pacific National
24 Monument and managed by the Secretary through
25 the National Park Service.

1 **SEC. 202. FACILITATION OF ADMISSION TO HISTORIC AT-**
2 **TRACTIONS WITHIN PEARL HARBOR NAVAL**
3 **COMPLEX.**

4 (a) IN GENERAL.—The Secretary, in managing the
5 World War II Valor in the Pacific National Monument,
6 may enter into an agreement with the nonprofit organiza-
7 tions or other legally recognized entities that are author-
8 ized to administer or manage a Pearl Harbor historic
9 site—

10 (1) to allow visitors to a Pearl Harbor historic
11 site to gain access to the site by passing through se-
12 curity screening at the Visitor Center; and

13 (2) to allow the sale of tickets to a Pearl Har-
14 bor historic site within the Visitor Center by employ-
15 ees of the National Park Service or by organizations
16 that administer or manage a Pearl Harbor historic
17 site.

18 (b) TERMS AND CONDITIONS.—In any agreement en-
19 tered into pursuant to this title, the Secretary—

20 (1) shall require the organization administering
21 or managing a Pearl Harbor historic site to pay to
22 the Secretary a reasonable fee to recover administra-
23 tive costs associated with the use of the Visitor Cen-
24 ter for public access and ticket sales, the proceeds
25 of which shall remain available, without further ap-
26 propriation, for use by the National Park Service at

1 the World War II Valor in the Pacific National
2 Monument;

3 (2) shall ensure the limited liability of the
4 United States arising from the admission of the pub-
5 lic through the Visitor Center to a Pearl Harbor his-
6 toric site and the sale or issuance of any tickets to
7 the site; and

8 (3) may include any other terms and conditions
9 the Secretary deems appropriate.

10 (c) LIMITATION OF AUTHORITY.—Under this title,
11 the Secretary shall have no authority—

12 (1) to regulate or approve the rates for admis-
13 sion to an attraction within the Pearl Harbor his-
14 toric site;

15 (2) to regulate or manage any visitor services of
16 any historic sites within the Pearl Harbor Naval
17 Complex other than at those sites managed by the
18 National Park Service as part of World War II
19 Valor in the Pacific National Monument; or

20 (3) to charge an entrance fee for admission to
21 the World War II Valor in the Pacific National
22 Monument.

23 **SEC. 203. PROTECTION OF RESOURCES.**

24 Nothing in this title authorizes the Secretary or any
25 organization that administers or manages a Pearl Harbor

1 historic site to take any action in derogation of the preser-
 2 vation and protection of the values and resources of the
 3 World War II Valor in the Pacific National Monument.

4 **TITLE III—CHANGES TO** 5 **NATIONAL PARK UNITS**

6 **SEC. 301. GEORGE WASHINGTON MEMORIAL PARKWAY.**

7 (a) PURPOSE.—The purpose of this section is to au-
 8 thorize, direct, facilitate, and expedite the transfer of ad-
 9 ministrative jurisdiction of certain Federal land in accord-
 10 ance with the terms and conditions of this section.

11 (b) DEFINITIONS.—In this section:

12 (1) SECRETARY.—The term “Secretary” means
 13 the Secretary of the Interior.

14 (2) RESEARCH CENTER.—The term “Research
 15 Center” means the Federal Highway Administra-
 16 tion’s Turner-Fairbank Highway Research Center.

17 (3) FARM.—The term “Farm” means the
 18 Claude Moore Colonial Farm.

19 (4) MAP.—The term “Map” means the map ti-
 20 tled “GWMP—Claude Moore Proposed Boundary
 21 Adjustment”, numbered 850/82003, and dated April
 22 2004. The map shall be available for public inspec-
 23 tion in the appropriate offices of the National Park
 24 Service, Department of the Interior.

25 (c) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) TRANSFER OF JURISDICTION.—

(A) IN GENERAL.—The Secretary and the Secretary of Transportation are authorized to transfer administrative jurisdiction for approximately 0.342 acre of land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, generally depicted as “B” on the Map, for approximately 0.479 acre within the boundary of the Research Center land under the jurisdiction of the Department of Transportation adjacent to the boundary of the George Washington Memorial Parkway, generally depicted as “A” on the Map.

(B) USE RESTRICTION.—The Secretary shall restrict the use of 0.139 acre of land within the boundary of the George Washington Memorial Parkway immediately adjacent to part of the north perimeter fence of the Research Center, generally depicted as “C” on the Map, by prohibiting the storage, construction, or installation of any item that may obstruct the view from the Research Center into the George Washington Memorial Parkway.

1 (2) REIMBURSEMENT OR CONSIDERATION.—

2 The transfer of administrative jurisdiction under
3 this section shall occur without reimbursement or
4 consideration.

5 (3) COMPLIANCE WITH AGREEMENT.—

6 (A) AGREEMENT.—The National Park
7 Service and the Federal Highway Administra-
8 tion shall comply with all terms and conditions
9 of the Agreement entered into by the parties on
10 September 11, 2002, regarding the transfer of
11 administrative jurisdiction, management, and
12 maintenance of the lands discussed in the
13 Agreement.

14 (B) ACCESS TO LAND.—The Secretary
15 shall allow the Research Center access to the
16 land the Secretary restricts under paragraph
17 (1)(B) for purposes of maintenance in accord-
18 ance with National Park Service standards,
19 which includes grass mowing and weed control,
20 tree maintenance, fence maintenance, and vis-
21 ual appearance. No tree 6 inches or more in di-
22 ameter shall be pruned or removed without the
23 advance written permission of the Secretary.
24 Any pesticide use must be approved in writing

1 by the Secretary prior to application of the pes-
2 ticide.

3 (d) MANAGEMENT OF TRANSFERRED LANDS.—

4 (1) INTERIOR LAND.—The land transferred to
5 the Secretary under subsection (c)(1) shall be in-
6 cluded in the boundaries of the George Washington
7 Memorial Parkway and shall be administered by the
8 National Park Service as part of the parkway sub-
9 ject to applicable laws and regulations.

10 (2) TRANSPORTATION LAND.—The land trans-
11 ferred to the Secretary of Transportation under sub-
12 section (c)(1) shall be included in the boundary of
13 the Research Center and shall be removed from the
14 boundary of the parkway.

15 (3) RESTRICTED-USE LAND.—The land the Sec-
16 retary has designated for restricted use under sub-
17 section (c)(1) shall be maintained by the Research
18 Center.

19 **SEC. 302. DISTRICT OF COLUMBIA SNOW REMOVAL.**

20 Section 3 of the Act entitled, “An Act Providing for
21 the removal of snow and ice from the paved sidewalks of
22 the District of Columbia”, approved September 16, 1922
23 (42 Stat. 845, ch. 318), is amended to read as follows:

24 “SEC. 3. (a) It shall be the duty of a Federal agency
25 to remove, or cause to be removed, snow, sleet, or ice from

1 paved sidewalks and crosswalks within the fire limits of
2 the District of Columbia that are—

3 “(1) in front of or adjacent to buildings owned
4 by the United States and under such Federal agency’s jurisdiction; or
5

6 “(2) public thoroughfares in front of, around,
7 or through public squares, reservations, or open
8 spaces and that are owned by the United States and
9 under such Federal agency’s jurisdiction.

10 “(b) The snow, sleet, or ice removal required by sub-
11 section (a) shall occur within a reasonable time period
12 after snow or sleet ceases to fall or after ice has accumu-
13 lated. In the event that snow, sleet, or ice has hardened
14 and cannot be removed, such Federal agency shall—

15 “(1) make the paved sidewalks and crosswalks
16 under its jurisdiction described in subsection (a) rea-
17 sonably safe for travel by the application of sand,
18 ashes, salt, or other acceptable materials; and

19 “(2) as soon as practicable, thoroughly remove
20 the snow, sleet, or ice.

21 “(c)(1) The duty of a Federal agency described in
22 subsections (a) and (b) may be delegated to another gov-
23 ernmental or nongovernmental entity through a lease, con-
24 tract, or other comparable arrangement.

1 “(2) If two or more Federal agencies have overlap-
 2 ping responsibility for the same sidewalk or crosswalk they
 3 may enter into an arrangement assigning responsibility.”.

4 **SEC. 303. MARTIN LUTHER KING, JR. NATIONAL HISTOR-**
 5 **ICAL PARK.**

6 (a) AMENDMENTS.—The Act entitled “An Act to es-
 7 tablish the Martin Luther King, Junior, National Historic
 8 Site in the State of Georgia, and for other purposes”
 9 (Public Law 96–428; 94 Stat. 1839) is amended—

10 (1) in section 1, by striking “the map entitled
 11 ‘Martin Luther King, Junior, National Historic
 12 Site’, numbered 489/80,013B, and dated September
 13 1992” and inserting “the map titled ‘Martin Luther
 14 King, Jr. National Historical Park’, numbered 489/
 15 80,032, and dated April 2009”;

16 (2) by striking “Martin Luther King, Junior,
 17 National Historic Site” each place it appears and in-
 18 serting “Martin Luther King, Jr. National Histor-
 19 ical Park”; and

20 (3) by striking “historic site” each place it ap-
 21 pears and inserting “historical park”.

22 (b) REFERENCES.—Any reference in any law (other
 23 than this Act), map, regulation, document, record, or
 24 other official paper of the United States to the “Martin
 25 Luther King, Junior, National Historic Site” shall be con-

sidered to be a reference to the “Martin Luther King, Jr.
National Historical Park”.

**SEC. 304. LAVA BEDS NATIONAL MONUMENT WILDERNESS
BOUNDARY ADJUSTMENT.**

The first section of the Act of October 13, 1972
(Public Law 92–493), is amended in the first sentence—

(1) by striking “That, in” and inserting “**SEC-
TION 1.** In”; and

(2) by striking “ten thousand acres” and all
that follows through the end of the sentence and in-
serting “10,431 acres, as depicted within the pro-
posed wilderness boundary on the map titled ‘Lava
Beds National Monument, Proposed Wilderness
Boundary Adjustment’, numbered 147/80,015, and
dated September 2005, and those lands within the
area generally known as the ‘Schonchin Lava Flow’,
comprising approximately 18,029 acres, as depicted
within the proposed wilderness boundary on the
map, are designated as wilderness.”.

**TITLE IV—TECHNICAL
CORRECTIONS**

SEC. 401. BALTIMORE NATIONAL HERITAGE AREA.

The Omnibus Public Land Management Act of 2009
(Public Law 111–11) is amended—

1 (1) in sections 8005(b)(3) and 8005(b)(4) by
2 striking “Baltimore Heritage Area Association” and
3 inserting “Baltimore City Heritage Area Associa-
4 tion”; and

5 (2) in section 8005(i) by striking “EFFECTIVE-
6 NESS” and inserting “FINANCIAL ASSISTANCE”.

7 **SEC. 402. MUSCLE SHOALS NATIONAL HERITAGE AREA.**

8 Section 8009(j) of the Omnibus Public Land Man-
9 agement Act of 2009 is amended by striking “EFFECTIVE-
10 NESS” and inserting “FINANCIAL ASSISTANCE”.

11 **SEC. 403. SNAKE RIVER HEADWATERS.**

12 Section 5002(c)(1) of the Omnibus Public Land Man-
13 agement Act of 2009 is amended by striking “paragraph
14 (205) of section 3(a)” each place it appears and inserting
15 “paragraph (206) of section 3(a)”.

16 **SEC. 404. TAUNTON RIVER.**

17 Section 5003(b) of the Omnibus Public Land Man-
18 agement Act of 2009 is amended by striking “section
19 3(a)(206)” each place it appears and inserting “section
20 3(a)(207)”.

21 **SEC. 405. CUMBERLAND ISLAND NATIONAL SEASHORE.**

22 Section 6(b) of the Act titled “An Act to establish
23 Cumberland Island National Seashore” (Public Law 92–
24 536) is amended by striking “physiographic conditions not

1 prevailing” and inserting “physiographic conditions now
2 prevailing”.

3 **SEC. 406. NIAGARA FALLS NATIONAL HERITAGE AREA.**

4 Section 427(k) of the Consolidated Natural Re-
5 sources Act of 2008 (Public Law 110–229) is amended
6 by striking “Except as provided for the leasing of adminis-
7 trative facilities under subsection (g)(1), the” and insert-
8 ing “The”.

○